

**REMARKS**

This Amendment is in response to the Office Action of August 12, 2004, in which claims 1-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,611,654 to Shteyn in view of U.S. Patent No. 6,769,127 to Bonomi et al. With this Amendment, independent claims 15, 21, 24, 28, and 29 have been amended. Claims 1-29 are presented for reconsideration and allowance.

The present invention is an improved entertainment system for use in a lodging facility that allows guest selected recording of television programs and time-shifted viewing of programs that have been recorded. This feature is an addition to the other features commonly found in entertainment systems in hotels and other lodging facilities, such as regular off air television programs, pay-per-view movies, Internet access, video games, and video checkout. As discussed in the Background of the Invention on pages 1 and 2 of the specification, operating lodging entertainment systems on a profitable basis is very challenging. Typically the lodging entertainment system is owned by a vendor who provides the capital equipment, such as the head end equipment and the guest terminals, (including the television, remote control, game controller, keyboard, and associated control circuitry). The hotel receives a percentage of the guest charges for those features of the lodging entertainment system having separate charges (such as movies and games). The motion picture studios and the game program vendors also receive royalties.

In many cases, a guest at a hotel may not purchase any services offered through the entertainment system. It is a continuing challenge to find new and improved offerings which result in higher purchase rates through the lodging entertainment system. A service that is difficult to use or causes frustration for the guest will not be successful.

The present invention adds to the lodging entertainment system the capabilities of guest-selected recording of programs and guest-selected time-shifted viewing of programs. It also addresses an important practical consideration--the ease with which the guest can learn and use the system to both record and later to view programs of interest. The present invention, as defined in claims 1-29, makes use of an interactive program guide or schedule that lists (a) programs available

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for viewing and recording as well as (b) previously recorded programs that are available for time-shifted viewing. This is shown in FIG. 3 of the application. Interactive Program Guide 200 contains a listing of various types of programs. This includes free to guest channels 210, pay-per-view movie offerings 230, the specific guest's recorded programs 250, and recorded programs 260 selected for recording by other guests. Using the program guide, the guest can make a selection from any of these categories. The program guide can be used for both selecting programs for recording, as well as selecting programs for viewing.

An important consideration is how easy the guest will find the system to use and navigate. Unlike a home entertainment system, where the owner has the opportunity to learn the intricacies of system over time, a lodging entertainment system must be extremely intuitive and simple so that a guest with no previous experience with the system can use it. Since the guests range from those with a great deal of computer experience to those with little familiarity with computer-based systems, the user interface at the guest terminal of a lodging entertainment system cannot be designed based on the assumption the guest will be a sophisticated computer user.

By providing a schedule or program guide that lists both programs to be viewed and recorded as well as previously recorded programs available for time-shifted viewing, the interface with the guest is made more simple and easy to use.

Equally important, the schedule or program guide increases the chances that the guest will be reminded of a previously recorded program. This is particularly important if the guest is charged for recording a program. If the guest records a program but then forgets to view it, the charge for recording the unwatched program is likely to be a source of either a billing dispute and adjustment, or a source of dissatisfaction of the guest with either the hotel or the entertainment system vendor, or both.

The Office Action acknowledges that Shteyn does not disclose the concept of using a schedule or interactive program guide with respect to previously recorded television programs available for time-shifted viewing.

"What is not disclosed, however, is a) transmitting a schedule of previously recorded television programs available for time-shifted

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viewing, b) updating the schedule of television programs to include the program corresponding to the digital file, c) transmitting the schedule as updated to the guest terminal and d) transmitting from the guest terminal to the head end, data requesting playback of the program selected for recording, based upon a selection of that program from the schedule as updated."

08/12/2004 Office Action, page 3.

The Office Action relies upon Bonomi et al. to supply the missing disclosure. However, Bonomi et al. does not disclose a system in which a schedule or interactive program guide lists (a) television programs available for viewing and recording as well as (b) previously recorded television programs available for time-shifted viewing. For example, FIG. 15C of Bonomi et al. relied upon in the Office Action shows only a program guide of programming available on particular channels. The only figure showing previously recorded programs is FIG. 16C. As discussed in col. 16, lines 49-67, a user must first select vault button 1520 for information listing previously archived or recorded programs. This is not a part of the program guide which is shown in FIG. 15C. The discussion at col. 21 and col. 22 referred to in the Office Action also relates to the "vault" feature. While this feature may be acceptable for a person who owns an entertainment system and who uses it enough to master the navigation through the menuing system, it presents a more complicated system for a hotel guest to use. In addition, it does not provide the previously recorded programming through the same schedule or listing as live programming, and thus would be likely to create a situation in a hotel setting which a guest could forget about a program that he/she had recorded.

Neither Shteyn nor Bonomi et al. teaches or suggests the system and method as defined in claims 1-29 of the present application. The rejection under 35 U.S.C. § 103(a) should be withdrawn.

In addition to the Bonomi et al. reference, the Office Action of August 12, 2004 also cited for the first time the Lawler et al. Patent No. 5,805,763. Like Bonomi et al., Lawler et al. does not teach a system in which a program guide contains both programs available for viewing or recording as well as previously recorded programs available for time-shifted viewing.

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In conclusion, the present application is now in condition for allowance. Notice to that effect is requested.

Respectfully submitted,

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